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AUTHOR Cilley, Earl G. L.
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ABSTRACT

A private university's experiences and policies toward outside consulting by faculty members are discussed in this speech in hopes that they can be applied to both public and private institutions. Until recently, most institutions have offered only brief but adequate statements as guidelines, but faculty members increasingly are being sought for advice. From an institutional policy point of view, the difficulty lies in the application of a simple and general formulation in particular instances. Suggestions are offered for developing guidelines in order to reduce the difficulties posed by occasional instances of apparent excess consulting and to clarify the basic set of understandings that are the foundation for the relationship of faculty members to the institution. (LBH)

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FACULTY CONSULTING:

Issues in Academic Policy Development

By

Earl G. L. Cilley

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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FACULTY CONSULTING:

Issues in Academic Policy Development

Outside consulting is a fascinating topic for discussion and a difficult one in which to develop a broad policy that, when articulated in more detail, is equitable to the institution and its faculty and acceptable to its many publics and financial supporters. Such a policy must balance a broad range of duties, responsibilities, and incentives in a manner which is logical, internally consistent, and reasonably satisfactory to all concerned. It must take into account the character, tradition and objectives of the institution, recognize faculty independence, encourage individual responsibility in a collegial setting, and should be workable in practice. It should not require department chairmen and senior institutional officers to take on an additional burden of making Solomon-like judgments in yet another area which is fraught with possibilities for mistaken judgments and the establishment of unfortunate precedents.

The question of how to address outside consulting by faculty members in any detail has arisen comparatively recently in higher education, largely I believe as a by-product of the heightened interest of the outside world in the institutions' allocations of their resources, the bases for those decisions, and the adequacy of the processes by which they are accounted for.

As the faculty are the most valuable, the most visible, and the most important of the institution's resources, it follows that, in a general atmosphere of greatly increased interest in institutional accountability, there should be a growing interest in the utilization and deployment of that resource.

To begin this afternoon's discussion, I shall try to extract from a private university's experience a number of universals which are applicable to both public as well as private institutions in considering policies toward outside consulting by faculty members. Later on, I understand, Mr. Peairs will raise with you some additional basic issues in policy development and application in faculty governance and compensation.

Perhaps a good way to begin this discussion of outside consulting is to remind ourselves that outside consulting for faculty members is regarded by many institutions as a privilege uniquely available to the faculty. It is generally expressed as being limited to the equivalent of one day per week. Institutional policies differ on the extent to which prior approval must be sought and the degree to which outside consulting engagements must be reported after the fact.

It is also useful to keep in mind that academic consulting policies with which I am familiar are unique in their liberality as compared with those of other institutions in our society. Non-profit and not-for-profit laboratories, GOCOs, and industrial

research organizations have policies which tend to severely restrict consulting opportunities for their employees. This uniqueness places a special burden on both institutional officers as well as faculty members themselves to develop, articulate, and manage the exercise of this privilege in ways which will be, and appear to be, responsible and responsive to the best interests of the institution, the faculty, and those who support and are concerned for the welfare and nourishment of higher education.

Until comparatively recently, most institutions have found it sufficient to have relatively brief statements on outside consulting in their faculty handbooks or administrative manuals. Many of these statements confine themselves to placing a "one day per week" limitation on outside consulting. Others simply state that care must be exercised in outside consultation to avoid conflicts of interest and calendar conflicts in meeting institutional responsibilities. Depending on how the consulting prerogative is viewed in terms of faculty compensation, institutions may or may not require a formal application for release time for consulting during periods of full time appointment.

Experience suggests such simple formulations are adequate guidelines for most faculty members. On the other hand, as the questions before our society become ever more complex and ramifying, the demand for expert guidance by faculty specialists appears to be both increasing and involving a greater number

of disciplines. Increasingly, advice is being sought from specialists in the behavorial, social and physical sciences.

From an institutional policy point of view, the difficulty lies in the application of a simple and general formulation in particular instances. When a specific case is brought to an institutional officer's attention for review and adjudication, one can quickly get into a host of detailed questions for which general policy statements such as those which I have mentioned earlier have little utility in providing guidance for answers.

What, for example, is a week? Is it a five day week, a six day week, or a seven day week? Consideration of this question raises a host of basic questions as to institutional expectations of faculty members with full time appointments. As many, if not most, faculty members have irregular schedules of activities which are difficult to separate and do not confine themselves to the 8 to 5 commercial concept, considerable care needs to be given to the answer that is given in response.

Answers to this basic question can vary, depending on the institution's expectations of its faculty members on full time appointment. Our view has been that a full time faculty member is on duty or on call for whatever time is required to fulfill his or her responsibilities to the university during the appointment period. For purposes of informing a consulting policy, we have narrowed that concept to consider the academic quarter as the appointment period and

to reach a judgment that the equivalent of one day per week is an appropriate maximum to be available for outside consulting at the full-time faculty member's option, assuming the faculty member can arrange his or her affairs so that primary obligations to the university can be met effectively in the remaining time.

For purposes of administering the policy, we concluded that six days per week is the likely maximum number available for professional activities, and that one of these could be allocated to consulting activities for calculation purposes in specific cases.

The point I make is that it does not so much matter what the expectation is but that it be considered carefully before responding to the "what is a week" question.

Having cleared those wickets, one then can proceed to the question: What is a day or its equivalent? For most professionals, including faculty members, it is clearly not eight hours in duration. Is it nine? Is it ten? Is it twelve? Can one say with some certainty that an average professional's working day typically does not exceed 12 hours, or should it be 13 or 14? What is a reasonable hours/day standard for many professional consulting engagements where the consultant bills by the hour, as contrasted with others who are retained by the day? Our discussions suggest an appropriate resolution of the question for this purpose would be, as a matter of judgment, to set 120 hours as the appropriate maximum quarterly limit for those whose consulting activities are expressed

in terms of hours, rather than to pursue a hour-to-day conversion formula.

Again for illustration, an example of a related question comes to mind: whether one counts travel time in the computation of a consulting day. Given that the objective is to achieve equity, consider for a moment two cases. Case one: an education professor spends an evening a week consulting with a local school district governing board on its curriculum requirements. Case two: an education professor commutes to the East coast two days a month to perform the same service for a large metropolitan school board and uses the airplane time to grade papers, prepare lecture notes and do institutional committee paper work. How much time has each professor spent in consulting? What is an equitable measurement that will fit both cases?

* * *

As a result of a small number of such specific cases having come to our attention for review, we rather quickly found ourselves considering what appeared at one point to be an almost endless series of complex questions of this character, and concluded that there was a compelling priority for clarifying our policy to improve the understanding and application of what was intended.

We further concluded that the essence of the question is how to find a proper balance amongst incentives on a number of levels, and to seek to strike that balance in a way that would be as simple and straightforward as possible, would be relatively

easy to communicate, would be perceived by the faculty as reasonable and equitable, and would not require a whole raft of additional formal reporting and review (not to mention file storage) costs for the University.

The incentives to be balanced include teaching, research, advising, institutional service on committees at various levels, public service (including service on Federal panels and advisory boards), and the need to provide encouragement for faculty members to keep up with developments in their fields through service to professional societies in their own disciplines.

We believe outside consulting is to be encouraged. Outside consulting has the important benefit of keeping faculty members current with real world problems, providing them experiences which not only benefit them professionally but enhance the value of their teaching and institutionally-based research. It can also materially assist in developing thesis topics and, on occasion, contribute to summer work experience and post-degree employment opportunities for students. It must be clearly integrated into the totality of the other obligations of the faculty member, and in a way that does not detract from incentives to discharge these other important responsibilities.

The attraction of extra compensation and additional professional recognition inherent in external consulting opportunities can be powerful stimuli, so an early conclusion was that in clarifying the outside consulting policy we should establish a "disincentive"

upper limit on the amount of time a faculty member could engage in such activities. The disincentive limit should be consistent with overall institutional expectations of the faculty as well as the earlier "one day a week rule". It would be desirable if it were inclusive of the preponderance of current understanding and practice, to the extent that is consistent with institutional obligations. If these criteria can reasonably be met in setting a more specific limit, the field of exception cases requiring management time in prospective reviews can be narrowed considerably, so that the needs for prior consultation and a detailed reporting burden for the normative consulting load are abbreviated.

We believe our policy now meets these criteria. It now prescribes the disincentive limit on outside consulting as not more than the equivalent of 13 days per academic quarter without a priori consultation and, depending on the overage, special arrangements.

After considerable thought and further internal consultation we reached the conclusion to recommend this upper limit inclusive of University holidays, student vacation periods and the like. We arrived at this position on the basis that the University's average academic quarter is 13 weeks in duration, that our faculty appointments are geared to the quarter system, and the basic temporal rhythm of the University is the academic quarter. We went on to develop a formula for those concerned to use in de-

termining whether or not specific instances fell within the disincentive limit. We are now in the final stages of articulating some additional guidelines on the more significant related questions of interpretation, such as service on outside boards of directors.

Having "framed in" a basic approach to the question of how to think about outside consulting, we then put it aside and went back to consider in detail the relation of outside consulting to the institutional responsibilities of faculty members to teaching, research, university service, public service, and professional affiliations. As a result of considerable discussion and thought, Vice-Provost for Research William Massy published an internally-developed paper, on the duties of professors and the responsibilities of the University, which provides a philosophical basis for regarding these questions in the context of our institution's traditions, objectives and imperatives.

After a great deal of hard thinking, internal consultation and discussions with deans, department chairmen and members of the faculty generally, we believe we are now nearly through the lengthy and complex process of definition, relation, and balance, and expect within the next few weeks to conclude the process and to publish the final clarification of our outside consulting policy. We plan to accompany it with a brief se of specific

administrative guidelines which we expect will be sufficient to provide a degree of consistency in interpreting it.

In concluding, I believe this rather strenuous exercise has value not only for substantially reducing the difficulties posed by occasional instances of apparent excess consulting, but also for clarifying as well the basic set of understandings that are the foundation for the relationship of faculty members to the institution. There is an additional value to the effort: the conclusions reached can serve as a touchstone for reviewing other policies as well when the need arises.

Time will tell whether our efforts have been successful in simplifying what became for a time a disproportionately time-consuming, complex, and difficult series of policy questions and judgments. We believe we have been reasonably successful in more clearly articulating a policy and developing guidelines which place outside consulting in a proper relationship to the other responsibilities of faculty members, and that we have done so in a way which reinforces the concept of individual faculty responsibility, and the correlative responsibilities of the University's formal structure.

This discussion has not dealt with all the fundamental questions, and has barely touched on the many related questions ranging from the treatment of "moonlighting" to distinctions between paid

and unpaid service on national commissions or review boards, honoraria versus fees, distinctions between outside consultation and scholarly publication, or the question of the permissible degree of averaging allowable consulting time over an academic period or between periods. I have tried, though, to lay before you some of the more basic considerations in both areas as they occurred to us in thinking about the question.

I would urge the value of thinking through the basics of the faculty-institutional relationship as they exist at each campus, before either developing or adjusting any policies that touch the faculty or the academic process.

Earl Cilley
January 1977